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REPUBLIC OF KOREA (SOUTH KOREA)

Another injustice under the National Security Law: the case of Professor Park Chang-hee

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Amnesty International is calling for the immediate and unconditional release of Professor Park Chang-hee, a 63-year-old professor of history who is serving a three-and-a-half year prison term under the National Security Law for divulging "state secrets" to North Korea. The organization is also calling for an investigation into reports that he was subjected to beatings and sleep deprivation during interrogation by the Agency for National Security Planning (ANSP, South Korea's intelligence agency.)

Professor Park Chang-hee was born in December 1932 in Korea. He studied in Japan from 1959 to 1968 where he obtained a degree and doctorate in history from the University of Hitotsubashi. His studies focused on problems related to Japan's occupation of Korea (1910 to 1945). He then returned to South Korea and in 1970 he took a teaching position at Ehwa Women's University in Seoul. From 1977 until his arrest he taught history at Hankuk University of Foreign Studies in Seoul.

Ill-treatment during interrogation

Professor Park Chang-hee was arrested at midnight on 26 April 1995 by some 20 ANSP officers. The officers carrying out the arrest identified themselves and showed an emergency arrest warrant but they did not tell his family where he was being taken. Later the family were informed that he was held at Chongbu Police Station, but when they telephoned the police station they were told that Professor Park was not there. In fact, he was held at the ANSP interrogation facility but the family were not informed of this fact until three days after his arrest. According to information available to Amnesty

International the following is reported to have occurred while he was held in custody by the ANSP.

Professor Park Chang-hee was questioned by the ANSP for 20 days, during which time he was beaten, threatened and deprived of sleep. Ill-treatment which he suffered included being hit about the head with a book, being pushed against a wall and repeatedly threatened. He was told that his family and friends would be arrested unless he made a confession. Under pressure, he signed several statements admitting, among other things, that he had visited the North Korean Embassy in Beijing and had allowed himself to be indoctrinated by a North Korean agent operating in Japan.

On 15 May he was transferred to Seoul Detention Centre and he was questioned for a further 25 days by the Prosecution. On 15 April he was forced to kneel on the floor and was beaten for several hours by investigators. In such circumstances he found it impossible to withdraw or alter the various statements he had made to the ANSP. These statements were used as evidence in court.

Charges under the National Security Law

On 9 June 1995 Professor Park Chang-hee was charged under the National Security Law. He was accused of meeting a Korean resident in Japan called Suh Tae-su, of passing him "state secrets" and receiving money from him. The prosecution claimed that Suh Tae-su was taking orders from an "anti-state" organization (this means the North Korean government which is defined as an "anti-state" organization under the National Security Law).

On 21 October 1995 Professor Park was found guilty and sentenced to seven years' imprisonment. On 23 February 1996 his sentence was reduced to three-and-a-half years' imprisonment after an appeal. This sentence was confirmed by the Supreme Court in June 1996 and is now considered final.

Why Professor Park Chang-hee has been adopted as a prisoner of conscience

The National Security Law punishes those who "praise" or "benefit" an "anti-state" organization (North Korea), with the knowledge that it will damage state security. It also punishes those who have unauthorized meetings with North Koreans or divulge "state secrets" to North Korea. This law has been widely and arbitrarily used in South Korea to imprison people for the non-violent exercise of the internationally-recognized rights to freedom of expression and association.

Professor Park appears to have been imprisoned because of his links with the Korean community in Japan. Amnesty International has documented a pattern of cases in which South Koreans were arrested under the National Security Law for contacting friends and relatives in Japan who were deemed by the South Korean authorities to be agents for North Korea. There is a large Korean community in Japan, including people of North Korean origin. Since the end of the Korean War (1953) there has been almost no contact between citizens of North and South Korea and millions of Koreans on both sides of the peninsula have found themselves separated from family and friends. In South Korea people have been arrested for having unauthorized contacts (or suspected contacts) with North Korea, via the Korean community in Japan or other countries.

The main evidence used to convict Professor Park was his own coerced confession, and various items belonging to him such as notebooks, travel documents and written material about the labour movement in South Korea. The only evidence that he had visited the North Korean Embassy in Beijing was his own confession. There was no objective evidence to prove that Suh Tae-su was an agent for North Korea, which he has denied, and there is no reason that Professor Park Chang-hee should have thought he was a spy.

Amnesty International is concerned that Professor Park's own confession was used as evidence against him, because there are strong reasons to believe it was obtained under duress. His claims of ill-treatment by the ANSP are convincing and fit a pattern of violation reported to Amnesty International in recent years. To Amnesty International's knowledge, the South Korean authorities have not adequately investigated these claims. The confession was also discredited by his own lawyers who obtained evidence to show that at least part of the confession could not have been correct.

The "state secrets" which Professor Park is accused of passing to Suh Tae-su consisted of information already in the public domain. They included copies of South Korean newspapers, a photograph of President Kim Young-sam and the content of conversations about student politics and the labour movement in South Korea.

Under the National Security Law, a "state secret" has been defined as any information which may be useful to North Korea. The term has been widely interpreted by the courts in South Korea and it is difficult for a person to know what it means. There is a pattern of cases tried under the National Security Law in which information already in the public domain has been considered by the courts to be a "state secret" and this interpretation has led to people being imprisoned for passing to others information which was widely available in South Korea, in violation of their rights to freedom of expression and association and the right not to be detained arbitrarily.

For many years Amnesty International has called for the National Security Law to be amended, in accordance with international standards. During 1996, some 490 people were detained under the National Security Law, many of whom were considered by Amnesty International to be prisoners of conscience.

Amnesty International has documented a pattern of abuse during interrogation of political suspects by the ANSP and the Police. Suspects are routinely deprived of sleep, threatened and sometimes beaten, in an attempt to extract a "confession". There is no independent body to investigate reported human rights violations by law enforcement personnel.